

Date Posted: December 17, 2010

Date of Meeting: December 21, 2010

Time of Meeting: 7:30P.M.

Type of Meeting: City Council

**Location of Meeting: City Hall, Council Chambers, 145 Taunton Ave.,
East Providence, RI 02914**

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

December 21, 2010

6:45 P.M. Executive Session

7:30 P.M. Open Session

I. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session to discuss Claims and Litigation pursuant to RI General Laws § 42-46-5 (a) (2)

A. Claims Committee

See concurrently posted Claims Committee Meeting Agenda.

B. Approval of Interim City Manager Salary

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

II. CALL TO ORDER

III. INVOCATION

IV. SALUTE TO THE FLAG

V. TO APPROVE THE CONSENT CALENDAR

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

A. Abatements

Year Amount

2010 \$117,956.83

Total \$117,956.83

B. Letters

1.Semi-Monthly Meeting-Full Council Coastal Resources Management Council Tuesday, December 14, 2010, 6:00pm, Administration Building, Conference Room A, One Capitol Hill, Providence

C. Change of Location

1.Pawnbroker

**E.P. Pawnbroker, from 912 Broadway to 613 Waterman Avenue
(02914) Christiano Barbosa 30 Roma Street (020914)**

2.Secondhand

**E.P. Pawnbroker, from 912 Broadway to 613 Waterman Avenue
(02914) Christiano Barbosa 30 Roma Street (020914)**

D. Council Journals

Special Council Meeting November 30, 2010

Organizational Meeting Council December 1, 2010

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VI. APPOINTMENTS

A.Housing Authority (by Mayor Rogers)

Maria Luci Stoddard, 5 Carolina Avenue (02915)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

B.Police Pension Board Council Appointee (by Councilman Rose)

Mayor Bruce Rogers

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VII. NEW BUSINESS

A.City Managers Report (by Interim City Manager Orlando Andreoni)

1. Use of City cell phones

2. Policy for Infirmary or Poverty Exemption

B.Reports of Other City Officials

1.Updates on Boards and Commissions, badges for city appointees, job descriptions city appointees and Canvassing Authority member terms (by City Clerk, Kim Casci)

2.Comprehensive Annual Financial Report (by Acting Finance Director, Donald Gray)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

C.Council Members

1.Comments regarding Mayor's remarks. (by Councilman DiGioia)

2. Fall clean-up and storm catch basins. (by Councilman Rose)

3. Sign-up sheet for receiving the Council dockets by email. (by Councilman Rose)

4. Council Office, file cabinets and keys. (by Mayor Rogers)

D .Resolutions

1.Resolution Appointing Search Committee for City Manager

BE IT RESOLVED THAT, the City of East Providence City Council, shall appoint a Search Committee for the purposes of hiring a City Manager, the Search Committee shall be composed of seventeen members, three members appointed by each Council Member and an additional two members appointed by the Mayor.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

Appointments for City Manager Search Commission

Zach Saul, 56 Grassy Plains Rd. (02915)

Michael Farley, 670 Willett Ave. (02915)

Wendy Caputo, 1357 Wampanoag Trail App# 227 (02915)

By Councilman DiGioia

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

Barbara Connors, 65 Barney St. (02916)

Brian Coogan, 165 Grosvenor Ave. (02914)

Dr. Isadore Ramos, 33 Bullocks Point Ave., Apt. 5A (02915)

By Councilwoman Kleyla

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

Richard Smith, 26 Brookfield Rd. (02915)

Robert Carlin, Jr., 66 Merritt Rd. (02915)

William Murphy, 27 Wetmore Ave. (02915)

By Councilman Rose

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

Brian Monteiro, 32 Swan St. (02914)

Thomas Rose, Sr., 245 Waterman Ave. (02914)

Anita Turner, 190 Grosvenor Ave. (02914)

By Mayor Rogers (as Council appointments)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

Representative Roberto DaSilva, 82 Dover Ave. (02914)

Paul Moura, 31 Windmill Ln. (02916)

By Mayor Rogers (as Mayor appointments)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2. RESOLUTION AFFIRMING PROSECUTION OF CIVIL ACTION ENTITLED ATTORNEY GENERAL PATRICK C. LYNCH AND CITY OF EAST PROVIDENCE V. THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND TLA-PROVIDENCE, LLC C.A. NO. 10-6883

WHEREAS, the City of East Providence has filed civil action number 10-6883 with the office of the Attorney General with the State of Rhode Island against the Rhode Island Department of Environmental Management and TLA-Providence, LLC on November 23, 2010 in Providence County Superior Court; and

WHEREAS, said civil action requests the following relief:

- a. Judgment declaring that TLA's application to expand its solid waste management facility must include a certificate each from the City of East Providence and the State Planning Council, as required by R.I.G.L. §23-18.9-9(a);**
- b. A preliminary and permanent injunction directing RIDEM to withdraw its Notice of Intent, and to not issue a license to TLA at least until such time as TLA submits the required certificates to RIDEM;**
- c. A preliminary and permanent injunction directing RIDEM to withdraw TLA's current permit to operate because RIDEM issued it without the required certificates from East Providence and from the State Planning Council as required by §23-18.9-9(a);**
- d. Judgment awarding plaintiffs costs and attorneys' fees; and**

e. Such other equitable or legal relief as the Court deems necessary and proper; and

WHEREAS, the City Council for the City of East Providence is committed to continued prosecution of said civil action;

NOW, THEREFORE, BE IT RESOLVED that we, the East Providence City Council affirm its commitment to the pursuit and prosecution of Attorney General Patrick C. Lynch and the City of East Providence v. Rhode Island Department of Environmental Management and TLA-Providence, LLC Case No. 10-6883.

This resolution shall become effective upon its passage.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

E.Introduction of Ordinances

1.An ordinance amending the number of appointed members to The Affirmative Action Committee from six to nine.

AN ORDINANCE IN AMENDMENT OF CHAPTER 11 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “PERSONNEL”

SECTION I. Subsection (b) of Sec. 11-153 entitled “The affirmative action committee.” of Article IV entitled “Affirmative Action Plan” of Chapter 11 of the Revised Ordinances of the City of East Providence, Rhode Island 1998, as amended, entitled “Personnel” is amended to read as follows:

(b) The committee shall consist of the three members of the personnel hearing board, as well as six nine appointed members of the citizenry, among whom shall be at least one woman and representatives of minority groups. These citizens shall serve after appointment by the city council for a period of two years. A member may be removed for cause upon a vote of the city council. The affirmative action committee shall elect two officers, a chair and vice-chair who shall serve in these positions for one year. The director of personnel and the affirmative action officer shall be ex officio members of this committee.

SECTION II. This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Affirmative Action Officer

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2. An ordinance repealing Chapter 15.

AN ORDINANCE IN AMENDMENT OF CHAPTER 15 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “SUBDIVISIONS”

SECTION I. Chapter 15 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Subdivisions” is hereby repealed in its entirety.

NOTE: In 1992, state law was changed to allow local planning boards to adopt or repeal and provide for the administration, interpretation

and enforcement of land development and subdivision review regulations and was approved by the City Council by ordinance Chapter 386, Ordinance Book 12, Page 192 on November 21, 1995. The bound East Providence Land Development and Subdivision Review Regulations on file in the Planning Department adopted on December 18, 1995 are the official subdivision and land development regulations of the City. Rhode Island General Law § 45-23-28 superseded all prior regulations upon adoption.

SECTION II. This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Law Department

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

3. An ordinance requiring a no parking sign on North Rose Street (east side), from the most southern end of North Rose Street, north for 15 feet.

**AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
“VEHICLES AND TRAFFIC”**

SECTION I. Section 18-307 entitled “Parking prohibited at all times.” of Article X entitled “Stopping, Standing and Parking.” of Chapter 18 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Vehicles and Traffic.” is amended

by adding thereto the following:

North Rose Street (east side), from the most southern end of North Rose Street, north for 15 feet

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Mayor Rogers

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

4.An ordinance regarding prohibition of animal confinement in motor vehicles.

AN ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “ANIMALS”

SECTION I. Article I entitled “In General” of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals,” is amended by adding thereto the following:

Section 3-29. Animal confinement in motor vehicles prohibited.

(a) No owner or person shall confine any animal in a motor vehicle in such a manner that places the animal in a life or health threatening situation by exposure to prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold.

In order to protect the health and safety of an animal, an animal control officer or law enforcement officer who has probable cause to

believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible.

(b) A law enforcement officer or animal control officer may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's safety, health or well-being appears to be in immediate danger from heat, cold or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death.

Nothing in this section shall prevent a law enforcement officer or animal control officer from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

(c) A law enforcement officer or animal control officer who removes an animal in accordance with this Section shall, in a secure and conspicuous location or within the motor vehicle, leave written notice bearing the officer's or agent's name and office and the address of the location where the animal may be claimed. The owner may claim the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment, and impoundment of the animal.

(d) A law enforcement officer or animal control officer who removes an animal from a motor vehicle pursuant to this Section is immune

from criminal or civil liability that might otherwise result from the removal.

(e) Any animal control officer may issue the person(s) in violation of this Section a fine of \$100.00 for a first violation, \$200.00 and seizure of the animal for a second violation, and \$400.00 and the seizure of the animal for the third violation. Second and subsequent violations of this Section may be considered a violation of R.I.G.L. § 4-1-2.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Councilman William J. Conley, Jr.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

5. An ordinance prohibiting devocalization in dogs or cats.

AN ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “ANIMALS”

SECTION I. Article I entitled “In General” of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals,” is amended by adding thereto the following:

3-30. Devocalization prohibited.

(a) No person shall surgically debark or silence a dog or cat, or cause the surgical debarking or silencing of a dog or cat, unless a veterinarian licensed in the State of Rhode Island has filed a written

certification with the City Animal Control Officer stating that the surgical debarking or silencing is medically necessary to treat or relieve an illness, disease, or injury, or correct a congenital abnormality that is causing or will cause the dog or cat medical harm or pain.

(b) The written certification described in subsection (a) shall contain the date and description of the veterinarian's examination and evaluation of the dog or cat, a statement certifying that surgical debarking or silencing is medically necessary to treat or relieve an illness, disease, or injury, or correct a congenital abnormality that is causing or will cause the dog or cat harm or pain; any supporting diagnosis and findings, the name and current address and telephone number of the dog or cat's owner or keeper, and the name and current address and telephone number, State license number, and signature of the veterinarian.

(c) No person except a veterinarian licensed in this State, using anesthesia, may surgically debark or silence a dog or cat.

(d) Any person in violation of this Section shall be subject to the penalties in Section 1-16 of the Code of Ordinances. The Municipal Court shall have jurisdiction to hear cases involving violations of this ordinance. In addition to any other penalty provided by law, a person convicted under this Section may be barred from owning or possessing any animals, or living on the same property with someone who owns or possesses animals, for a period of time deemed appropriate by the court, and required to take humane education, pet ownership and dog training classes as ordered by the

court.

(e) Any person or business selling a dog or cat for profit shall disclose whether or not the dog or cat has been surgically debarked or silenced and provide the purchaser with a copy of the veterinarian certification required by subsection (a) above.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Councilman William J. Conley, Jr.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

F.Communications

1.Wesley Dana Plante, 193 Waterman Avenue, Apartment 7, (02914) requesting to address the Council regarding the landfill closure masterplan and the capping of the Forbes Street landfill.

2.Glenn Ilacqua Program Manager for RI Hope , 83 Rolfe Street, Cranston, RI requesting to address the Council as an introduction to the RI Hope Program and what they hope to achieve in East Providence.

3.Robert Barr, 140 Walnut Street (02914) addressing the Council requesting a Council resolution to support the new parking design at the Grove Avenue East Providence Post Office, to enhance citizen

safety and convenience.

4.Candy Seel, 1340 South Broadway (02914) requesting to address the Council regarding the removal of the City Manager Richard Brown.

5.Jon White, of Eident Sports Marketing, 10 Dorrance Street, Providence (02903) requesting to address the Council regarding the 4th Annual Cox Providence Marathon on Sunday May 1, 2011.

VIII.ADJOURNMENT

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___